C/F 109 (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO. 901 /2002

PETITIONER

Suman Raj Bahadur,
Aged 40 years,
S/o. Prem Prakash Bahadur,
R/o. Shanti Nagar,
Irrigation Colony,
Raipur (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh,
Through Secretary,
Water Resources,
Raipur (C.G.)

2. Chief Engineer,
Mini Mata Bango Project,
Bilaspur (C.G.)

3. Superintending Engineer,
Canal Division 2, Janjgir,
Dist. Janjgir-Champa (C.G.)

P. R. No. 899/R
Presented by Shri [illegible]
dated 30.04.02

PETITION UNDER ARTICLE 227 READ WITH ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS

(36)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर WP 901/02

मामला क्रमांक ~~C.A. 901/2002~~ **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	25/06/2003 :-	

Heard Shri Manindra Shrivastava, counsel for the petitioner and Shri Ayaz Naved, Govt. Advocate, for the State/respondents.

By this petition filed under Section 226/227 of the Constitution of India the petitioner seeks to challenge the order dated 28/03/2002 passed by the Madhya Pradesh State Administrative Tribunal, Raipur by which the learned Tribunal dismissed the application of the petitioner by which the petitioner challenged his suspension order (Annexure-A/1).

The petitioner was suspended on account of his involvement in a criminal case and for that challan was also filed against him in the Court of Chief Judicial Magistrate. Rule 9 of the M.P. Civil Services (Classification, Control & Appeal) Rules, 1966 provides that if any employee remains in jail for more than 48 hours then he has to be suspended automatically. The petitioner was involved in a case under Section 420 of the Indian Penal Code and he was in jail for more than 48 hours. Therefore, he was suspended by the competent authority, which he challenged before the learned Tribunal.

(31)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक.....**सन् 200**

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	Since the petitioner was suspended in view of the mandatory provisions of the Rule on account of his involvement in a criminal case and on account of the fact that he remained in jail for more than 48 hours, therefore, by dismissing the application of the petitioner the learned Tribunal has not committed any illegality or irregularity in passing the impugned order. We do not find any force in this petition. As such, the same is liable to be dismissed and it is dismissed. **Sd/-** **Chief Justice** **Sd/-** **L.C. Bhadoo** **Judge**	